

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FILED

MAY 25 2017

Clerk, U.S. Courts
District Of Montana
Missoula Division

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID TACKE,

Defendant.

CR 04-59-M-DWM-1

ORDER

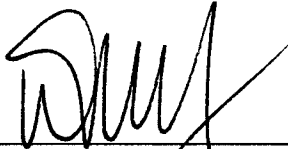
In mid-January 2017, the Defendant filed a pro se request to have the garnishment proceedings in this matter transferred to Washington or Oregon based on his current residence. (Docs. 176, 177.) Subsequently, the United States filed a motion to dismiss the garnishment on the grounds that the Garnishee's answer advises that the Defendant's wages are below the amount that is exempt pursuant to 15 U.S.C. § 1673(a), (*see* Doc. 175). (Doc. 178.) The United States further indicates that dismissal would moot the Defendant's motion to transfer. The Defendant did not respond to the United States' motion, *see* L.R. 7.1(d)(1)(B)(ii) ("[F]ailure to file a response brief may be deemed an admission that the motion is well-taken."), and it was granted, (Doc. 179).

After the motion was granted, the Defendant filed a response indicating he

did not believe the transfer request was moot because he still does not reside in the District of Montana. (Doc. 180.) The United States responded, noting that while transfer is discretionary, 18 U.S.C. § 3605, the Defendant has thus far failed to provide requested (and compelled) financial information and that the Defendant has the option of requesting the hearing be held in his home district if a garnishment is sought again. (Doc. 181.)

Consistent with this Court's February 8, 2017 Order, IT IS ORDERED that the Defendant's request to transfer (*see* Doc. 180) is DENIED subject to renewal in the event a new garnishment request is filed so long as the Defendant has complied with the United States' requests for financial information.¹

Dated this 23 day of May, 2017.



Donald W. Molloy, District Judge
United States District Court

¹ Delay in issuing this order gave the Defendant adequate time to comply with the United States' requests. He has provided no indication that he has done so.